

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

ALBEMARLE CORPORATION

PLAINTIFF

VS.

Case No. 06-CV-1002

LOUISIANA AND NORTHWEST
RAILROAD COMPANY

DEFENDANT

ORDER

Three motions are before the Court: (1) LNW's Motion to Dissolve or Modify Temporary Restraining Order (Doc. 3); (2) Albemarle's Motion to Sever and Remand (Doc. 7); and (3) Albemarle's Motion to Transfer Case to the Surface Transportation Board (STB) (Doc. 9). A hearing was conducted relative to these motions on January 19, 2006. The Court finds these motions ripe for consideration. Upon consideration the Court finds the Motion to Dissolve or Modify Temporary Restraining Order (Doc. 3) should be and hereby is granted in part and denied in part; Albemarle's Motion to Sever and Remand (Doc. 7) should be and hereby is denied; and (3) Albemarle's Motion to Transfer Case to the Surface and Transportation Board (STB) (Doc. 9) should be and hereby is granted. Based on the arguments as presented by the parties in their briefs and motions and the record before the Court, the Court hereby makes the following orders:

IT IS ORDERED that the temporary restraining order entered by the Circuit Court of Columbia County, Arkansas, be modified to become a preliminary injunction, which will be separately entered in and consistent with the Court's Findings of Fact and

Conclusions of Law of even date;

IT IS FURTHER ORDERED that the issues of the reasonableness of LNW's rates and charges under the tariffs and of LNW's practices in applying these rates and charges are referred to the Surface Transportation Board (STB);

IT IS FURTHER ORDERED that the remainder of this lawsuit is hereby administratively stayed pending the STB's resolution of the referred dispute;

IT IS FURTHER ORDERED that the attorneys for LNW and Albemarle file with the Court a status report of the proceedings before the STB, such status report filing to commence within ninety (90) days from the date of entry of this order, and continuing for successive ninety-day intervals until further order of this Court.

IT IS SO ORDERED this 23rd day of January, 2006.

/s/ Harry F. Barnes

Hon. Harry F. Barnes
U.S. District Judge